

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN RALSTON, JR.,	:
Plaintiff	:
v.	: Case No. 3:10-cv-8-KRG-KAP
JEFFREY A. BEARD, <u>et al.</u> ,	:
Defendants	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on August 10, 2011, docket no. 43, recommending that the defendants' motions to dismiss the complaint, docket no. 20, docket no. 23, be granted as to all defendants and claims except for plaintiff Ralston's claim that defendant Untracht assaulted him on November 6, 2009.

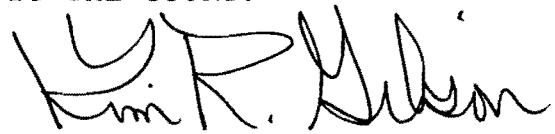
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. No one has filed objections and the time to do so has expired.

After review of the record of this matter and the Report and Recommendation, and noting the lack of timely objections to the Report and Recommendation, the following order is entered:

AND NOW, this 1st day of September, 2011, it is

ORDERED that the motions to dismiss the complaint, docket no. 20, docket no. 23, are granted as to all defendants and claims except for the claim that defendant Untracht assaulted plaintiff on November 6, 2009. The Report and Recommendation is adopted as the opinion of the Court. The motion to dismiss at docket no. 41 is denied as redundant.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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